

**ENTERED**

January 10, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

AUGUSTIN NUNEZ REYNOSO,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:22-CV-00108
	§	
REEVES COUNTY DETENTION CENTER	§	
III,	§	
	§	
Respondent.		

**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation ("M&R"). (D.E. 21). The M&R recommends that the Court **GRANT** Respondent's motion for summary judgment; **DISMISS in part without prejudice** the portion of Petitioner's petition that is not properly raised in § 2241 petition; and **DISMISS in part** the remainder of Petitioner's petition for failure to exhaust. (D.E. 21, p. 1, 8, 17).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.<sup>1</sup> See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly

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<sup>1</sup> Petitioner's mail was returned as undeliverable. (D.E. 22; D.E. 23). Since then, the Court has waited an appropriate amount of time for an updated address. As a party, Petitioner is required to keep the Court apprised of his current address at all times and has failed to do so.

erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 21). Accordingly:

- (1) The Court **GRANTS** Respondent's motion for summary judgment. (D.E. 15).
- (2) The Court **DISMISSES in part without prejudice** Petitioner's § 2241 petition for the reasons stated in the M&R. (D.E. 1). The Court **DISMISSES in part** the remainder of Petitioner's § 2241 petition for failure to exhaust. (D.E. 1).

A final judgment will be entered separately.

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
January 10<sup>th</sup>, 2023